

4-07/018.00 - Diplomatic and Consular Officials

CLASSIFICATION Crime or Incident	FORM NUMBER FILE NUMBER PRIORITY	ASSIGNMENT AND ACTION	ADDITIONAL INFORMATION AND STATISTICAL CODES
<p><u>4-07/018.00</u> <u>DIPLOMATIC</u> <u>AND</u> <u>CONSULAR</u> <u>OFFICIALS</u></p> <p>Diplomatic Officers</p>			<p>A Diplomatic Officer (e.g., Ambassador, Minister, Secretary, and Attache) is afforded the highest level of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. Family members forming part of the household of diplomatic officers, as recognized by the Department of State, enjoy the same privilege and immunities.</p> <p>For additional information, see Volume 5, Chapter 9.</p>
<p>Consular Officers</p>			<p>Consular officers (e.g., consuls-general, deputy consuls-general, consuls, and vice consuls) are not liable to arrest or detention pending trial except, in the case of a grave crime (felony offense) and pursuant to a warrant.</p>
<p>--Families and Servants</p>			<p>Consular officials and their families of certain countries may enjoy higher levels of immunity based on special bilateral agreements with certain exceptions, family members and servants of consular officers cannot claim immunity. Handle situation with appropriate courtesy and respect. Release subject upon positive identification. If juvenile, release to parent consular officer. Seek formal complaint when necessary.</p> <p>NOTE: Notify International Liaison Section immediately in the event that this Department and a diplomatic officer, consular officer, or member of his family or personal staff are involved. A complete and detailed statement in memorandum shall be directed to the Sheriff, through channels, and a copy forwarded to the International Liaison Section of the Sheriff's Headquarters Bureau and the Major Crimes Bureau.</p>

<p>--Traffic Violation</p>			<p>Deputies shall examine the credentials and exercise discretion based upon the nature of the offense, and/or the surrounding circumstances. It is the policy of the Department not to issue citations, but rather to warn of dangers and impress upon the subject that your actions are to care for his safety and the safety of others. Stopping a diplomat or consular officer for a traffic violation and issuing a traffic citation does not constitute an arrest or detention and is permissible.</p> <p>Should a citation be issued in aggravated cases and the consular officer refuses to sign, forward the complete citation with a detailed memorandum to the Office of the Sheriff and the Sheriff's International Liaison Unit.</p>
<p>--Driving while under the influence</p>			<p>The primary consideration shall be that the consular officer is not a danger to himself or the public and should not be handcuffed. Sobriety tests may be offered in accordance with local procedures, but may not be required or completed. The following options may be used by Deputies.</p> <ul style="list-style-type: none"> • Arrange for transportation of the officer to his home or office; • Summon or allow the individual to summon a friend or relative to drive; and • Voluntarily transport him to the Station or other location where he can recover sufficiently to drive. Consular officials may be cited for the above offense and detained pending the release to a responsible party if deemed necessary.
<p>--Vehicle registration</p>			<p>Vehicles owned by foreign missions or foreign service personnel are registered with the Department of State Office of Foreign Missions and display distinctive red, white and blue license plates. Vehicles assigned to diplomatic or consular officers will have license plates labeled with the word diplomat or consul. Vehicles owned by honorary consuls may have California license plates with an honorary consul label. Driver identity or immunity status should not be presumed by the type of license plate displayed on the vehicle.</p>